

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 11  
ALSON ALSTON, : BANKR. NO. 18-16008REF  
Debtor. :

**STIPULATION AND ORDER DISMISSING CASE WITH PREJUDICE**

This Stipulation and Agreement is made and entered into by and between Andrew R. Vara, the Acting United States trustee (the "U. S. trustee") and Alson Alston ("Debtor") in settlement of the Motion of the U. S. trustee to dismiss with prejudice the Debtor's bankruptcy case or convert the case to chapter 7 (the "U. S. trustee's Motion").

**RECITALS**

WHEREAS the Debtor commenced this case on September 11, 2018, by filing a voluntary petition under chapter 11 of the Bankruptcy Code and remains a debtor-in-possession.

WHEREAS the present case is the Debtor's fourth bankruptcy case filed since 2012.

WHEREAS on or about September 13, 2018, the U. S. trustee filed a motion to dismiss the Debtor case with prejudice or convert the case to chapter 7 (the U. S. trustee's Motion) alleging, *inter alia*, the Debtor's failure to disclose the prior bankruptcy cases and his apparent inability to obtain confirmation of a plan in his prior cases as well as the present case, the hearing on which was scheduled for October 11, 2018.

WHEREAS on or about September 24, 2018, the Debtor filed a response to the U. S. trustee's Motion denying the allegations therein.

WHEREAS a hearing on the U. S. trustee's Motion was held on October 11, 2018 at which the Court heard testimony from the Debtor and admitted various exhibits offered by both the U. S. trustee and the Debtor, which hearing was continued to December 20, 2018.

WHEREAS prior to the continued hearing on the U. S. trustee's Motion the parties reached an agreement regarding the relief requested in the Motion as set forth below.

WHEREAS, the Debtor had the opportunity to and did consult counsel prior to agreeing the relief herein, and was advised by counsel regarding the terms, conditions, and import of this Stipulation and Agreement.

#### **STIPULATION**

NOW THEREFORE, in consideration of good and valuable consideration, receipt of which is hereby acknowledged by each of the parties hereto, and intending to be legally bound hereby, the parties stipulate and agree as follows:

1. The U. S. trustee and the Debtor stipulate and agree to the entry of an order dismissing the Debtor's bankruptcy case, which order shall further provide that the Debtor, whether individually or jointly, shall be prohibited from filing another case under any chapter of the United States Bankruptcy Code for 2 years (24 months) from the date of the entry of the order dismissing his case.

2. The Debtor acknowledges that as of the date of this Stipulation and Agreement there were outstanding statutory fees under 28 U.S.C. § 1930(a)(6) in the amount of \$650 for the third and fourth quarters of 2018, during which the Debtor's bankruptcy case was pending under chapter 11 of the Bankruptcy Code, and the Debtor agrees to pay these fees.


3. The U. S. trustee and the Debtor further stipulate and agree that each party

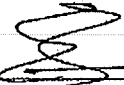
shall bear their own costs and expenses associated with the prosecution and defense of the U. S. trustee's Motion and the underlying bankruptcy case.

4. This Stipulation and Agreement may be executed in multiple original counterparts, or by facsimile or electronic transmission, each of which shall be deemed an original, and all such counterparts shall together constitute but one and the same instrument.

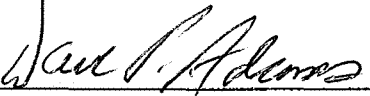
DEBTOR

JENSEN BAGNATO, P.C.

  
Alson Alston  
Dated: 12/19/2018

  
Erik Jensen, Esq.  
Counsel for Debtor  
1500 Walnut Street, Suite 1920  
Philadelphia, Pennsylvania 19102  
215.398.4185  
Dated: 12/19/2018

ACTING UNITED STATES TRUSTEE  
Andrew R. Vara

  
Dave P. Adams, Esq.  
Counsel for the U. S. trustee  
833 Chestnut Street, Suite 500  
Philadelphia, Pennsylvania 19107  
215.597.4411  
215.597.5795 (fax)  
Dated: Dec. 19, 2018

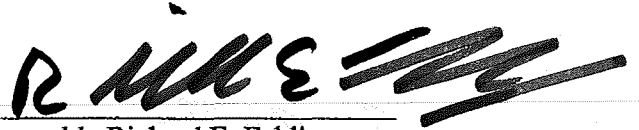
**ORDER**

AND NOW upon consideration of the above Stipulation and Agreement of the parties thereto, it is hereby ORDERED as follows:

1. The Debtor's bankruptcy case is hereby DISMISSED with prejudice.

2. The Debtor is barred from filing another case under any chapter of the Bankruptcy Code for two years (24 months) from the date of this order without prior leave of this Court, which leave may be requested by filing a motion in this case setting forth specific reasons why the Debtor believes it can successfully propose and obtain confirmation of a plan of reorganization and/or liquidation.

12/20/18



Honorable Richard E. Fehling  
Chief United States Bankruptcy Judge